THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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Writ Petition No.1725 of 1996

Dated 29-07-2005

Between:

Mr.Tandra Ramana,

S/o Narayana, 40 years,

Bhagawandas Colony,

Bhadrachalam. .. Petitioner

and

The District Collector,

Khammam and others. .. Respondents

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ORDER:

Alleging that he is in possession of Acs.0.20 cents in Sy.No.82 in Bhagawandas colony of Bhadrachalam village and constructed a thatched house therein and that that house was burnt in 1989 and that respondents, thereafter, had put up a board at that place that that the land belongs to the Social Welfare Department, though he was not dispossessed by due process of law, petitioner filed this petition seeking a declaration that handing over of the land belonging him to the fourth respondent is improper.

On behalf of the respondents, 3rd respondent (Mandal Revenue Officer) filed his counter-affidavit alleging that Acs.0.30 cents in R.S.No.82 in Bhagawandas Colony of Bhandrachalam village, is Government land and that possession thereof was delivered to the Assistant Social Welfare Officer on 24-01-1993 under a panchanama, and that the contention of the petitioner that he is the owner of the land cannot be true because he did not prefer any claim with regard to that land before the Settlement Officer under the provisions of AP (Scheduled Areas Ryotwari Settlement) Regulation, 1970 (the Regulation).

The contention of the learned counsel for the petitioner is that since petitioner has been in continuous possession and enjoyment of the land in question from several years and since the certificate dated 21-12-1995 issued by the Executive Officer of Gram Panchayat, Bhadrachalam, shows that petitioner had a house bearing No.16-1-37 at Bhagwandas Colony and had paid house taxes in respect of that house from 1984-1985 to 1988-1989, it is clear that petitioner has been in long standing possession over that property and so the action of the respondents in trying to dispossess the petitioner is improper.

Bhadrachalam admittedly is in a scheduled area. As per Section 7 of the Regulation every ryot in the scheduled area has to apply for a ryotwari patta before the Settlement Officer. If the petitioner, in fact, was in possession of the land by the date of coming into force of the Regulation, he ought to have made a claim before the Settlement Officer. The allegation in the counter-affidavit filed by the third respondent that the petitioner did not make any claim before the Settlement Officer is not denied or disputed by the petitioner by filing a reply affidaivt. Even according to the averment in the affidavit of the petitioner, no such house existing on the land after 1989. The certificate produced by the petitioner, if true, establishes his possession for four years from 1984-1985 to 1988-1989. No other material is produced by the petitioner to show that he was in possession thereof either prior to 1984-1985 or subsequent to 1988-1989. In these circumstances, the petitioner, who has no patta in his favour, is not entitled to any relief from this Court and his remedy, if any, is to file a suit for declaration of his title.

Accordingly, the writ petition is dismissed. No costs.

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C.Y.SOMAYAJULU, J.

29th July 2005.

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